IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Revision No.502 of 2006
Date of decision: January 9, 2007.

Punjab State

...**Petitioner(s)**

v.

Shri Kishan Joshi

...**Respondent(s)**

Present: Mrs. Gurveen H. Singh, Advocate for the petitioner.

Surya Kant, J. (Oral)

This revision petition is directed against the judgment and order dated 17.8.2005 passed by the learned Chief Judicial Magistrate, Amritsar whereby the respondent, though convicted under sections 3 and 8 of the Punjab Regulation of Colonies Act, 1975, however, has been ordered to be released on probation in terms of Section 4(1) of the Probation of Offenders Act.

It is vehemently contended by Learned Counsel for the petitioner that having regard to the gravity of the offence, namely, carving out a series of plots out of his agricultural land and selling the same to different persons, even without providing basic amenities, the learned trial court ought not to have released the respondent on probation. According to Learned Counsel for the petitioner, the respondent should have been sentenced to undergo a reasonable period of imprisonment so as to give deterrent effect to the provisions of the Act.

After hearing Learned Counsel for the petitioner, I do not find any merit in this revision petition.

The learned Magistrate, in her impugned order dated 17.8.2005, has noticed that the respondent is 78 years old and is guilty of committing a technical offence in the sense that the plots were carved out by him under an erroneous bona fide impression. The court has further noticed that he is a first offender and as such it was a fit case to extend the benefit of probation. Keeping in view the fact that discretion to release the respondent on probation has been exercised by the learned Magistrate within the well established legal parameters, I am not inclined to interfere in the impugned order.

Dismissed.

January 9, 2007. [**Surya Kant**]
kadyan **Judge**